

Close-out Memorandum of the
Investigation Regarding
Nivaldo Lazaro Echevarria
November 28, 2021



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
August 16, 2023



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: August 15, 2023
State Attorney




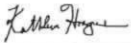


FROM: STAFFING/REVIEW TEAM RE: SAO Case #: 62/21/11/28/002
Deceased: Nivaldo Lazaro Echevarria

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following:


On Sunday, November 28, 2021, at about 5:18 A.M., in response to a 911 call about a vehicle burglary in progress, Sgt. St. Amand and Officer George from the Coral Gables Police Department were dispatched to the area of 115 Calabria Avenue. Sgt. St. Amand and Officer George observed a Chrysler with the hood opened and a shattered window, and Nivaldo Lazaro Echevarria seated in the driver's seat of a parked U-Haul pickup truck. The officers approached the pickup truck and are heard issuing commands for the driver to, "Put your hands up, open the door, let me see your hands", and "Don't move". Sgt. St. Amand discharged his rifle up to twenty-one times and Officer George discharged his Glock Model 17 Gen 5 up to eighteen times. The pickup truck drove across the street and came to a final rest, crashing into several parked cars, Echevarria was struck multiple times. Coral Gables Fire and rescue personnel responded and declared Echevarria deceased. As officers approached the scene, they observed Henry Herman Rodriguez, laying under a parked white a Mazda a few cars away from the scene of the shooting. The subsequent investigation revealed Rodriguez's fingerprints were located on the U-Haul truck and the hood of the Chrysler 300. Also,

At this time, without additional evidence or statements from Sgt St. Amand and Officer George, we are unable to clearly determine the circumstances that led up to the discharge. Specifically, we can only speculate as to the exact sequence of events between the time Echevarria started moving the truck and the officers discharged their weapons. Therefore, we cannot find that the shooting was legally justified, nor is there sufficient evidence to sustain criminal charges.

The members of the staffing/review team for this case are:

 Howard Rosen	 Deisy Hernandez	 Stephen K. Talpins
 Kathleen Hoague	 Nilo Cuervo	 Christine Zahralban

Approved by State Attorney on this 16 day of August, 2023.


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: August 15, 2023

FROM: Ruben M. Scolavino
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # #62/21/11/28/002

OFFICERS INVOLVED:	Steve St. Amand, Coral Gables PD, ID #8432 Andrew George, Coral Gables PD, ID #11571
DECEASED	Nivaldo Lazaro Echevarria
DATE & TIME:	11/28/2021 5:15 a.m.
LOCATION:	Front of 115 Calabria Avenue, Coral Gables, FL
WEAPONS:	Sig Sauer, Sig516, .223 caliber rifle (Sgt. St. Amand) & Glock 17, Gen 5 9mm Pistol (Ofc. George)
LEAD/REPORTS:	Special Agent Paul Garcia, FDLE/ August 2022
CASE #s:	FDLE MI-27-0127, MDPD PD211128379478, Coral Gables Case # 21-006803
SAO CASE #:	#62/21/11/28/002

FACTUAL SUMMARY

On Sunday, November 28, 2021, at approximately 5:18 a.m., in response to a 911 call, wherein the caller reported a vehicle burglary in progress, uniformed officers from the Coral Gables Police Department were dispatched to the area of 115 Calabria Avenue, Coral Gables, Florida. The 911 caller, J P , reported seeing two males perpetrating a vehicle burglary and that information was dispatched. Upon arriving at the scene, both Sgt. Steven St. Amand and Officer Andrew George exited their respective patrol units and proceeded to walk along the vehicles parked on the street. Sgt. St. Amand took his Sig Sauer 5.56 rifle with him as he exited his vehicle. At the time of their arrival, officers observed a Chrysler 300 with the hood opened and a shattered window.

As both officers continued canvassing the area, they observed Nivaldo Lazaro Echevarria (hereinafter known as Echevarria) seated in the driver's seat of a parked white Chevrolet U-Haul pick-up truck. Several of the civilian witnesses who didn't see the shooting stated that they overheard the officers issue several commands including, "Put your hands up, open the door, let me see your hands", and "Don't move". Sgt. St. Amand discharged his rifle twenty-one (21) times and Officer George discharged his Glock Model 17 Gen 5 eighteen (18) times striking Echevarria multiple times. The pick-up truck drove across the street and came to a final rest, crashing into several parked cars.

Shortly afterwards a call came over the Coral Gables police radio asking for emergency back up and advising "shots fired". Subsequently, multiple officers responded and observed Sgt. St. Amand pointing his rifle at the white U-Haul pick-up. Coral Gables Fire and Rescue personnel responded and observed that Echevarria, still in the driver's seat, had been struck by several projectiles. Lt. Julio Torres examined Echevarria and declared him deceased. Echevarria and the motor vehicle were transported to the Miami-Dade County Medical Examiner's office and an Autopsy was performed by Dr. Kenneth Hutchins.

As officers approached the scene, they observed Henry Herman Rodriguez, laying under a parked white Mazda a few cars away from the scene of the shooting. Rodriguez was taken into custody and questioned by Coral Gables police officers, where he denied any involvement with any car burglaries. The subsequent investigation revealed that Rodriguez's fingerprints were located on the passenger door and the "B Pillar" of the U-Haul truck, and on the hood of the Chrysler 300. Also

INVESTIGATIVE SUMMARY

The Florida Department of Law Enforcement (FDLE) was called to the scene of this shooting to conduct an investigation into the use of deadly force by Sgt. Steve St. Amand and Officer Andrew George. The scene and the officers involved in this incident were photographed. In addition, items of evidence including spent casings were collected. Also collected and photographed was the U-Haul pick-up truck. Round counts were conducted of the responding officers' weapons and their weapons were impounded as evidence. Recordings of the 911 calls and the police radio communications were also gathered and analyzed in this case.

This Assistant State Attorney went to the scene of the shooting that morning and observed the evidence on the ground and crime scene photographs taken of the evidence. In addition, this assistant state attorney attended the interviews of the Coral Gables Police Officers and the Fire and Rescue personnel as well as Echevarria's autopsy. Finally, FDLE Special Agent Paul Garcia provided a comprehensive report regarding his agency's investigation of this matter.

WITNESS STATEMENTS

OFFICER WITNESSES

Sgt. Steve St. Amand and Officer George did not provide a statement to investigators relating to the facts of this incident.

OFFICER ALAIN MORENCY

On Sunday, November 28, 2021, at approximately 10:36 a.m., FDLE Special Agent Paul Garcia obtained a sworn audio recorded statement from CGPD Officer Alain Morency. The interview was conducted at the CGPD Emergency Operation Center in the conference room. Officer Morency stated that on Sunday, November 28, 2021, he was operating a marked CGPD police vehicle, assigned Unit# A403. He was in the area of the 1100 Block of Obispo Avenue, within the City of Coral Gables, when he was dispatched to a burglary in progress to a vehicle occurring in the 100 Block of Calabria Avenue, Coral Gables, Florida. Officer Morency further stated that while en-route to the call he heard Sergeant Steve St. Amand, Unit A-200, announce "shots fired" over the police radio. Officer Morency stated that upon arrival in the 100 Block of Calabria Avenue, he met Officer Nicholas Villamil and Lieutenant Luis Lanz. Officer Morency noticed that there was a U-Haul truck in the street that crashed into a parked car.

According to Officer Morency he observed a male hiding underneath a parked vehicle that was located on the northside of Calabria Avenue. The male, later identified as Henry Rodriguez, was taken into custody and detained. Officer Morency said that Rodriguez told them that he was walking to work from his mother's house when he heard gunshots. Rodriguez stated that he hid underneath a parked vehicle to avoid getting shot. Rodriguez further told Officer Morency that he worked at a yacht club located in the area of Biscayne Boulevard. Officer Morency indicated that Rodriguez told him that he did not see who was shooting because he was underneath the car. Officer Morency said that there came a time that Coral Gables Fire Rescue arrived on the scene and approached the U-Haul truck. Officer Morency then noticed that there was a body inside of the U-Haul truck. Officer Morency said that he did not have any post incident conversations with anyone as to the circumstances that led to the shooting. Officer Morency said that he remained on the scene with Rodriguez until there came a time that he was placed inside Officer Villamil's marked police vehicle, and eventually transported to the CGPD station.

LT. LUIS LANZ

On Sunday, November 28, 2021, at approximately 09:15 a.m., SA Luis Alvarez obtained a sworn recorded statement from CGPD Lieutenant Luis Lanz. The statement was taken at the CGPD, in a conference room within the CGPD Emergency Operations Center. Lieutenant Lanz stated that on Sunday, November 28, 2021, at approximately 05:15 a.m., he was sitting in his vehicle, (CGPD marked SUV# 395), in front of the CGPD when he heard a vehicle burglary in progress call dispatched over the CGPD main radio channel. He then heard Sergeant Steve St. Amand and Officer Andrew George transmit that they arrived in the area of the vehicle burglary, at 115 Calabria Avenue, which was approximately a mile from Lieutenant Lanz's location. A short while later, Lieutenant Lanz heard Sergeant St. Amand transmit that he observed a black Chrysler with the hood up and a window smashed. That observation was followed by "I see the subject," and approximately thirty (30) seconds later, "shots fired!". Lieutenant Lanz then drove to Calabria Avenue and Galiano Street and arrived along with Officer Lucas Rosson. He and Officer Rosson ran to where Officer George was pointing a handgun towards a U-Haul truck that appeared to have crashed with a parked vehicle. Lieutenant Lanz then saw Sergeant St. Amand pointing a rifle at the U-Haul truck. Additional officers began arriving and Lieutenant Lanz heard someone state "there is another subject under a car across from the truck." He then saw a white male, (Henry Herman Rodriguez), under a white Mazda. Officer Nicholas Villamil

pointed a flashlight, that illuminated Rodriguez. Then Lieutenant Lanz, Officer Villamil, and Officer Alain Morency took Rodriguez into custody. Lieutenant Lanz then left Rodriguez and returned to the U-Haul truck, where he observed an immobile white male, (Nivaldo Lazaro Echevarria), in the drivers seat. He appeared to have sustained multiple gunshot wounds. City of Coral Gables Fire Rescue personnel arrived moments later and pronounced Echevarria deceased. After determining that Sergeant St. Amand and Officer George had discharged their firearms, Lieutenant Lanz separated them and began managing scene preservation.

OFFICER NICOLAS VILLAMIL

On Sunday, November 28, 2021, at approximately 11:07 a.m., SA Luis Alvarez obtained a sworn recorded statement from CGPD Officer Nicolas Villamil. The statement was taken at the CGPD, in a conference room within the CGPD Emergency Operations Center. Officer Villamil stated that on Sunday, November 28, 2021, at approximately 5:15 a.m., he heard a vehicle burglary in progress call, dispatched over the CGPD main radio channel, involving two subjects on the scene. He then heard Sergeant Steve St. Amand and Officer Andrew George transmit that they had arrived in the area of the vehicle burglary at 115 Calabria Avenue. Seconds later, Officer Villamil heard Sergeant St. Amand request a "3-15" (emergency backup) and state "shots fired." Officer Villamil responded to Sergeant St. Amand's location. He drove to Calabria Avenue and Galiano Street, and approached on foot from the east. As he was approaching Sergeant St. Amand's location, Officer Villamil observed Henry Herman Rodriguez hiding underneath a white Mazda that was parked along the curb. Officer Villamil pointed a flashlight under the Mazda, illuminating Rodriguez, and gave him verbal commands to show his hands. At that time, additional officers arrived. Officer Villamil further stated that at that time he, Lieutenant Luis Lanz, Officer Alain Morency, and Officer Lucas Rosson took Rodriguez into custody. Officer Villamil explained that Officer Morency remained with Rodriguez, and that he then went to a white U-Haul truck and pointed his weapon at the driver while Lieutenant Lanz determined that the driver of the vehicle (Echevarria) was deceased. He further stated that he did not discuss the shooting with any of the officers on the scene and was not sure exactly what had transpired. He added that he eventually transported Rodriguez to CGPD headquarters.

FIRE AND RESCUE LIEUTENANT JULIO TORRES

On Sunday, November 28, 2021, at approximately 9:42 a.m., SA Paul Garcia obtained a sworn audio recorded statement from Coral Gables Fire Department Lieutenant Julio Torres. The statement was taken at the CGPD Emergency Operations Center. Lieutenant Torres stated that on Sunday, November 28, 2021, he was the commanding officer of Coral Gables Fire Department, Rescue #4, along with Paramedic Nicholas Kanarev and Paramedic Peter Bernstein. Lieutenant Torres further stated that his rescue crew was dispatched to 115 Calabria Avenue, within the City of Coral Gables regarding a "victim that was shot". Lieutenant Torres said that while enroute to the call, the rescue crew was advised by dispatch that the incident involved a shooting and to "stage" near the call until the police department announced the all-clear to enter the area. Lieutenant Torres said that when they arrived at the scene, he noticed that a U-Haul pick-up truck was crashed into a parked vehicle. The truck passenger side door was open, and there was limited access via the driver's side door due to the angle of the crash. Echevarria occupied the truck. Lieutenant Torres described Echevarria's injuries as a gunshot wound to the neck and torso. Lieutenant Torres stated that he examined Echevarria and pronounced him deceased. According to Lieutenant Torres, there came a time when the Rescue #4 crew treated Sgt. Steve St. Amand for an injury sustained to his right knee. Lieutenant Torres said that Sgt. St. Amand was transported to the hospital by Coral Gable Fire Rescue #1. Lieutenant Torres said that his rescue crew also evaluated Ofc. Andrew George and found him to be without physical injury.

CIVILIAN WITNESSES

HENRY HERMAN RODRIGUEZ

On Sunday, November 28, 2021, at approximately 12:36 p.m., CGPD Detective Alfred Fernandez and SA Paul Garcia interviewed Henry Herman Rodriguez, in the CGPD Criminal Investigative Division, interview room. The interview was recorded and began by Detective Fernandez obtaining a waiver of Miranda rights from Rodriguez. After that, Rodriguez stated that on Sunday, November 28, 2021, at approximately 3:30 p.m., he walked from his house located at 1150 NW 30 Court, Miami, Florida to an unidentified friend's house (unknown address) located somewhere within the geographic boundaries of West Flagler Street to NW 7 Street and from NW 37 Avenue to NW 27 Avenue. Rodriguez further stated that his friend was not home, and he continued walking to work at an unknown yacht club near Monty's Raw Bar, located at 2550 South Bayshore Drive, Miami, Florida. Rodriguez said that he "took

back roads" and ultimately ended up walking eastbound on the north side of Calabria Avenue from Ponce de Leon Boulevard, within the City of Coral Gables, Florida. Rodriguez stated that there came a time that he observed police lights and heard gunshots. Rodriguez said that he was afraid of being shot and crawled underneath a parked car and remained there until a police officer made him come out and he was detained and brought to the police station. Rodriguez denied any involvement in the vehicle burglary and said that he did not witness the events that led to any shooting.

J P

On Sunday, November 28, 2021, at approximately 11:30 a.m., SA Ollie Meir and CGPD Sergeant Andrew Cachinero obtained a sworn recorded statement from J P in his home. P stated he was looking out of his apartment window on Sunday, November 28, 2021, at approximately 4:45 a.m., while it was still dark. At that time, he became suspicious when he saw and heard a U-Haul rental pick-up truck with the engine running on Calabria Avenue, parked in front of his vehicle. P said he saw "two African American males" standing around and then enter a Chrysler 300 vehicle that he knew was not their car. The individuals opened the vehicle door and went under the opened hood. P said there came a time he lost sight of them. P further stated he observed police officers arrive on the scene. According to P the officers began checking the area with their flashlights, and it appeared to him the U-Haul pick-up truck was turned off and occupied. P said one of the officers was carrying what appeared to a rifle. P further stated he heard the police officers give numerous commands - "Put your hands up, open the door, let me see your hands." In the 911 call, P said that "they tried to take off on the pick-up truck, and run over the officers." However, in his statement to the police, P waived and vacillated and contradicted himself in giving different versions throughout the statement of this fact. It is not clear whether he actually saw the acceleration or whether he assumed it happened because he heard the officers discharge their weapons. He was aware that the location of the truck changed before and after the shooting. In the 911 call, he states the driver of the truck "apparently" tried to run over the officers. This statement clearly indicates P is making an assumption. P heard numerous gunshots; however, he did not witness the actual shooting because he looked away in fear of being shot. P stated he could not see who was inside the U-Haul pick-up truck because it was dark.

P was relaying what he observed simultaneously to 911 operators while looking out from his apartment. As he spoke with the 911 operator, he gave them real time information and explained he saw

two black males get out of a U-Haul pick-up truck and break into a black Dodge. He continued describing the scene, saying that the two black males are opening the hood to the black Dodge and were attempting to start the car. P saw the police arrive and tells the operator the two guys left running and he did not see them anymore. He continued by telling the operator to tell the officers that the pick-up truck is turned on and the other guy ran towards Ponce De Leon. At that time in the call, you can hear what appears to be shots fired and P states that it is a shoot-out, and the guys are shooting back at the officers. P indicates the driver tried to take off from the pick-up truck and "apparently" tried to run over the cops.

On Sunday, November 28, 2021, at approximately 2:00 p.m., CGPD Sergeant Cachinero and SA Luis Alvarez met with J P to present him with a photographic lineup. P identified Henry Rodriguez, a white Hispanic male, as one the individuals that was involved in the burglary to the Chrysler vehicle. This identification is inconsistent with his description of the individuals on the 911 call, who P describes as two black males.

DANETTE RUBY LAJOS

On Sunday, November 28, 2021, at approximately 1:45 p.m., SA Ollie Meir and CGPD Sergeant Andrew Cachinero obtained a sworn recorded statement from Danette Ruby Lajos. The interview was conducted at 115 Calabria Avenue, Apartment 3, Coral Gables, Florida. Lajos stated that on Sunday, November 28, 2021, she was awakened by the chatter of a police radio. Lajos said that she looked out her window and saw a U-Haul pick-up truck departing as it was being approached by a police officer pointing his weapon stating 3 to 4 times, "do not Flee, do not flee." According to Lajos she heard gunshots from more than one gun. Thereafter, she went into her daughters' room, and they got on the floor. Lajos did not witness the shooting. Multiple other civilian witnesses heard variations of "don't move" but none witnessed the actual shooting.

CRIME SCENE INVESTIGATION

The crime scene was a residential street with one eastbound and one westbound lane. The shooting incident was in the middle of the street in front of 115 Calabria Avenue (Camilo Sandino apartments). Parked east to west next to the westbound curb in front of the Camilo Sandino apartments were multiple vehicles, including a black 4-door Chrysler 300. The front passenger side door window

of the Chrysler was shattered, and the glass remnants lay on the grass a few feet from the vehicle. The front hood and front passenger side door of the Chrysler were completely open.

Parked in the middle of the street and facing southbound was a white Ford U-haul pick-up truck. The truck was crashed into the rear driver's side quarter panel of a silver 4-door, Hyundai Elantra. The truck had multiple gunshot holes in the front of the vehicle as well as the driver's side. Echavarria's body was inside the vehicle in the driver seat. Recovered from the scene were twenty (20) .223 caliber spent casings and seventeen (17) 9mm spent casings. No firearms were recovered from inside the U-Haul truck. No firearm was recovered from Echevarria's body, and no firearm was recovered from Henry Rodriguez' person.

DNA ANALYSIS

DNA was collected from a beer can located within the U-Haul truck and from pieces of a glass window and a spark plug associated with the 300 Chrysler vehicle that had been burglarized. All of those samples

LATENT FINGERPRINT ANALYSIS

Latent fingerprints obtained from the right passenger door and "B Pillar" of the U-Haul pick-up truck matched the fingerprints belonging to Henry Rodriguez. Additionally, latent fingerprints obtained from the hood of the black Chrysler 300, bearing Florida tag # ESBJ28, matched the fingerprints belonging to Henry Rodriguez.

VIDEO EVIDENCE

The video evidence in this case consists of surveillance footage from the area and a civilian's cellular phone footage as the Coral Gables Police Department does not utilize body worn cameras, nor dashboard cameras.

1) On Wednesday, December 1, 2021, FDLE Special Agent Paul Garcia and CGPD Detective Jason Cruz obtained a video recording from Frederik Johannes Mate, the manager at Pier 1 apartment complex. The video depicted Echevarria entering and driving off in a white in color U-Haul pick-up truck that was parked on the first-floor parking

garage at the Pier 1 Apartments, located at 1951 NW South River Drive, Miami, Florida. The video footage was time stamped Saturday, November 27, 2021, at 7:31 p.m.

2) At the scene, Christian Alvarez was standing at the window of his second-floor apartment, located at 114 Calabria Avenue, Apt. #3, when he video-taped the officers post shooting on his cellular phone. The video shows a white U-Haul pick-up truck crashed into a parked car. An unidentified officer is shining his flashlight and walking towards the crash. Someone is heard saying "Don't move", while another male voice is heard asking, "What do you have, George?" A male voice responds, "we got one hit, we got one in the Mazda".

FIREARM ANALYSIS

An analysis of the firearm evidence submitted to the Miami-Dade Police Department's Crime Laboratory for forensic analysis in this investigation revealed: Eighteen (18) spent shell casings were identified as being fired from the submitted Glock, 9mm, model 17, Gen 5, semi-automatic pistol (serial# BMKZ036) fired by CGPD Officer Andrew George and Twenty-one (21) spent shell casings were identified as being fired from the submitted Sig Sauer, 5.56X45mm / .223 rifle, model 516, (Serial# 20J003600) fired by CGPD Sergeant Steve St. Amand. The projectile and projectile fragments collected from the ME and from the scene and submitted for forensic analysis in this investigation were not able to be positively identifiable to any firearm due to insufficient detail.

MEDICAL EXAMINER FINDINGS

The body of the decedent, Echevarria, was transported to the ME's office inside the Chevy U-Haul truck. Echevarria's body was in the driver's seat, slumped toward the center of the U-Haul pick-up truck. His right hand was on the steering wheel and the left arm was at his side. His mouth and eyes were open, his legs were bent at the knee. At approximately 7:56 p.m., Miami Dade County Medical Examiners Department removed Echevarria's body from the vehicle. Interim Chief Medical Examiner Dr. Kenneth Hutchins examined decedent's body. The decedent sustained apparent gunshot wounds to his head, neck, face, left leg, right and left shoulder, left wrist, left arm, left hand, left flank, back, left buttock, and left thigh. Dr Hutchins determined the cause of death was multiple gunshot wounds.

CONCLUSION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney's role is to determine whether the actions of Officers Steve St. Amand and Andrew George constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt. In this case I have reviewed the Use of Force Investigation report by FDI.E Case Agent Paul Garcia, along with its related items (i.e., photographs, recorded statements, laboratory reports, etc.) That report is hereby adopted and incorporated with this memorandum.

Florida Statute 776.012 permits the use of deadly force when a person (whether law enforcement or not) believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. In this case the officers responded in marked patrol vehicles and in full uniform to a 911 call of a possible car burglary. Upon arriving they observed a car with the hood open and a broken window and proceeded to walk down the street to further investigate. At that time both officers had firearms visible. It was early in the morning in a residential neighborhood and nobody else was walking in the area. Echevarria was sitting in the driver's seat of a parked U-Haul truck just a few car lengths from the burglarized Chrysler 300. As they approached the U-Haul, they were heard by several civilian witnesses to say, "Put your hands up, open the door, let me see your hands" and "Don't move, don't move", "stop raise your hands". Despite these directives, Echevarria began to drive. It was at this point that the officers fired at the U-Haul truck, striking, and subsequently killing, Echevarria. Although none of these civilians witnessed the shooting, one saw many of the preliminary events and heard the officers instruct Echevarria to stop prior to the car driving away. There were inconsistencies between the stated observations of some of the witnesses. One witness, J P , incorrectly indicated that both individuals involved were African American and stated that they were firing back at the police, saying there was a shoot-out. This witness further believed that both the subjects fled the area before the shooting. There are no civilian witnesses who actually saw the shooting incident and there is no credible testimony from J P : regarding the vehicle driving towards the officers.

There are no witnesses who actually saw the shooting incident or the events leading up to the shooting and some of the testimony given is inconsistent with the known facts. In addition, there is no testimony from the shooting officers, Sgt. St. Amand or Officer George, as to their intent or why they discharged their weapons at Echevarria, and we cannot speculate on that fact. Therefore, there is insufficient evidence to make a clear determination that the shooting was legally justified, and likewise, because of this lack of evidence, there is insufficient information to file any criminal charges.

Prepared by:

/s/ Ruben M. Scolavino

Ruben M. Scolavino
Assistant State Attorney